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November 17, 2005

VIA USPS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room CY-B402
Washington, D.C. 20554

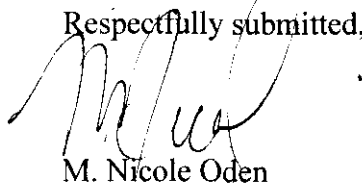
Re: WC Docket No. 05-39; Notice of Settlement

Dear Secretary Dortch:

Attached for filing with the Federal Communications Commission please find an original and fifteen (15) copies of a Notice of Settlement in WC Docket 05-39, submitted on behalf of KMC Telecom of Virginia, Inc., KMC Telecom V of Virginia, Inc., and KMC Data LLC.

If you have any questions or concerns regarding this filing, please do not hesitate to contact me at (202) 955-9785.

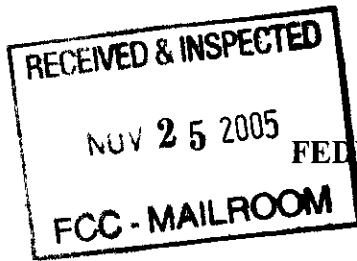
Respectfully submitted,



M. Nicole Oden

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554**

In the Matter of)
)
Petition of KMC Telecom of Virginia, Inc.,)
KMC Telecom V of Virginia, Inc., and)
KMC Data LLC Pursuant to Section 252(e)(5)) WC Docket No. 05-39
of the Communications Act for Preemption)
of the Jurisdiction of the Virginia State)
Corporation Commission Regarding)
Interconnection Disputes with Sprint)

**KMC TELECOM OF VIRGINIA, INC., KMC TELECOM V OF VIRGINIA, INC., AND
KMC DATA LLC – NOTICE OF SETTLEMENT**

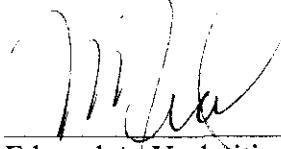
In accordance with the Federal Communications Commission's ("Commission") April 4, 2005, Memorandum Opinion and Order¹ in the above-referenced docket, KMC Telecom of Virginia, Inc. ("KMC Telecom"), KMC Telecom V of Virginia, Inc. ("KMC V"), and KMC Data LLC ("KMC Data")(collectively, "KMC") hereby respectfully notifies the Commission that it has reached accord with United Telephone – Southeast and Central Telephone Company of Virginia (together, "Sprint"), and the Parties have entered into a new interconnection agreement in the Commonwealth of Virginia.

As a result, KMC no longer seeks arbitration with Sprint and will not be filing a Petition for Arbitration pursuant to the Commission's preemption of the Virginia State Corporation Commission's authority in the April 4, 2005 Memorandum Opinion and Order.

¹ Petition of KMC Telecom of Virginia, Inc., et. al. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Sprint, *Memorandum Opinion and Order*, DA 05-1008 (rel. April. 4, 2005).

Respectfully submitted,

KMC Telecom of Virginia, Inc.
KMC Telecom V of Virginia, Inc.
KMC Data LLC



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Dated: November 17, 2005

CERTIFICATE OF SERVICE

I, Tara Keilberg, hereby certify that on this 17th day of November, 2005, I served a true and correct copy of the foregoing Notice of Settlement on the following by the means indicated:

Filed Via USPS:

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Served Via Facsimile at (202) 585-1897:

John E. Benedict
Michael J. Fingerhut
Richard Juhnke
Suite 400
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Washington, DC 20004

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